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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

*Individual and Representative Plaintiffs,*

v.

META PLATFORMS, INC.,

*Defendant.*

Case No. 3:23-cv-03417-VC

**ADMINISTRATIVE MOTION TO FILE  
EXCESS PAGES AND TO ESTABLISH  
PRIVILEGE BRIEFING SCHEDULE**

Pursuant to Civil L.R. 6-3, Plaintiffs Richard Kadrey, Sarah Silverman, Christopher Golden, Michael Chabon, Ta-Nehisi Coates, Junot Diaz, Christopher Golden, Richard Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise Snyder, Ayelet Waldman, Jacqueline Woodson, and Christopher Farnsworth (collectively, “Plaintiffs”), respectfully submit this Administrative Motion requesting leave to file letter briefs concerning the adequacy of Defendant Meta Platform, Inc.’s (“Meta’s”) amended privilege logs and assertions of attorney-client privilege and work product with expanded page limits and lifted exhibit restrictions, and to establish a sequential briefing schedule.

On Wednesday, November 6, 2024, Judge Chhabria issued an order extending the deadline for submitting letter briefs on “existing written discovery” to November 8, 2024. Dkt. No. 258. On Tuesday, November 5, before that order was executed, Plaintiffs initiated contact with Meta regarding submission of a joint letter brief concerning the adequacy of Meta’s amended privilege logs and Meta’s privilege assertions. This briefing is not a surprise; the parties have exchanged extensive meet-and-confer letters on these topics for the last two months and have met and conferred twice. The briefing is also timely. While Meta now argues that Plaintiffs waived this briefing because privilege issues were not raised by the October 16 deadline to “Meet and Confer re: Existing Written Discovery,” this ignores the following critical facts:

- The parties already met and conferred on September 24, 2024 regarding Meta’s privilege log, and Plaintiffs’ thorough October 23, 2024 letter plainly put Meta on notice of those issues once again. Meta responded to that letter in writing on November 1, 2024.
- The timeline concerning “existing written discovery” was not intended to address privilege issues at all. Prior schedule proposals included a joint deadline for filing briefs related to existing written discovery *and* privilege logs, but the “privilege logs” portion was later removed, *at Meta’s request*. Pritt Decl., Ex. A at 5, 7. Indeed, prior iterations of the schedule placed a (also removed) meet-and-confer on privilege issues *after* both the separate deadline to meet and confer regarding “existing written

discovery” and the deadline for filing letter briefs on “existing written discovery.” If privilege issues were intended to be governed by the “existing written discovery” deadline, then this meet-and-confer schedule would have made no sense whatsoever.

- Through the course of the parties’ exchange of letters in late October and early November, Meta agreed to take remedial action on certain of the disputed issues. Further, the scope of the remaining privilege-related disputes only became clear when Meta sent its updated position letter on November 1, which confirmed where the parties truly were at impasse. Filing an earlier letter brief just to avoid “time-barring” would have instead presented unripe discovery issues to the Court where the parties were still working to agree on remedial action.

As mentioned above, privilege-related issues are not covered by the deadlines for “existing written discovery.” Nevertheless, Plaintiffs engaged in extensive negotiations with Meta in an effort to find a mutually agreeable way to brief the remaining privilege issues by November 8. Those negotiations included proposals to engage in sequential letter briefing to afford Meta additional time to prepare a response, as well as proposals to extend page and exhibit limits such that all briefing could be accomplished at once instead of in numerous 2.5-page letter briefs. Unfortunately, despite much back-and-forth, the parties were unable to reach an agreement on a joint briefing schedule.

Because Meta will invariably argue time-barring once again if Plaintiffs wait any longer to raise existing privilege disputes, Plaintiffs have no choice but to submit a unilateral letter brief on November 8. Plaintiffs’ brief, along with accompanying exhibits, is filed concurrently with this administrative motion.

Plaintiffs request the following administrative relief from the Court, which seeks the same page limits for the opening brief and response brief that Meta offered during the parties’ negotiations, and the same deadline for Meta’s response that Meta offered during the parties’ negotiations:

- (1) Leave to file a 10-page privilege letter brief along with additional exhibits of any type;  
and
- (2) Establishment of the letter briefing schedule detailed in the following chart.

Plaintiffs' Opening Letter Brief	Friday, Nov. 8	Up to 10 pages
Meta's Response Letter Brief	Thursday, Nov. 14	Up to 10 pages
Plaintiffs' Reply Letter Brief	Monday, Nov. 18, 9 A.M. P.T.	Up to 5 pages

Dated: November 8, 2024

Respectfully submitted,  
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